

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS EAST
ERN DIVISION**

UBIFUNSTUDIO CO., LTD.,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE A HERETO,

Defendants.

Case No.: 1:25-cv-03543

District Judge Franklin U. Valderrama

Magistrate Judge Jeannice W. Appenteng

**DECLARATION OF JIWOOK SHIN IN SUPPORT OF PLAINTIFF'S MEMORANDUM
OF LAW ESTABLISHING THAT JOINDER IS PROPER**

I, Jiwook Shin, of the City of Seoul in South Korea declare as follows:

1. This declaration is based upon my personal knowledge of the facts stated herein or on the business records that were made at the time or in the regular course of business. If called as a witness, I could and would testify to the statements made herein:
2. I am currently employed as Chief Executive Officer for Plaintiff Ubifunstudio Co., Ltd. ("UbiFun" or "Plaintiff"). Plaintiff UbiFun is a company duly organized and existing under the laws of South Korea with a principal place of business at Marine Bldg, 529, Second Floor, Nonhyeon-ro, Gangnam-gu, Seoul, South Korea.
3. I am knowledgeable about or have access to business records concerning all aspects of the intellectual property protection operation of UbiFun, including, but not limited to, its copyrights, sales, on-line sales, advertising, marketing, media coverage, and associated

international operations. I make this declaration from matters within my own knowledge save where otherwise stated.

4. Defendants are working together in concert to create their infringing games by copying off a single leaked server. As shown in the comparison chart attached as Exhibit 1 (based on screen shots of the online infringing games), there are at least seven Defendants with overlapping identical images from their infringing games that suggests that Defendants worked together and copied their game from a single common source

5. Attached as Exhibit 1 is a chart of a sample of identical images among seven Defendants that infringe UbiFun's original Dekaron game.

6. UbiFun diligently sends takedown notices to every single infringing site it comes across, including the defendants in this action.

7. On April 20, 2024, UbiFun received a digital message from a user named "Nitex," the operator of Dekaron Rising, in response to a cease and desist it sent. Rising suggested a partnership with Plaintiff instead of taking down its infringing game. Rising also admitted that Defendants were working in concert together as a community—and mentioned that the "community contributes out of shared love for the game." Further, Rising said "[w]e'd like to see if you'd be open to working together rather than see us as enemy," and "[w]e only want to help make the game more fun for everyone."

8. On February 25, 2025, UbiFun received an email from a user named "Zarashi," the operator of Dekaron Tempest, in response to UbiFun's takedown request. Tempest threatened that he would "be a nightmare in [Plaintiff's] life." Next, he stated "only me and Nitex (Rising) have the monopoly of the real A40 server files." (Rising also happens to be the largest server.) Tempest went on to threaten that if Plaintiff "start[s] a war against [him, he] will leak the server, database,

the open source script process and the updated tools in all the community forums...” implying that Tempest alone exclusively held the latest versions of Plaintiff’s game. Tempest appears to be the ringleader and is leaking the materials to the other Defendants, such as Rising, who are using the leaked files to create their infringing games. This email suggests coordinated communication among the Defendants over a private server, forming an organized group to intentionally violate Plaintiff’s copyrights.

9. On March 2, 2025, less than a week after sending its first email, user “Zarashi” made good on his threat and posted that a new infringing Dekaron Tempest server was now available online, which appears to sell the same file templates that defendants use to create infringing copies of UbiFun’s Dekaron game.

10. The next day, on March 3, 2025, UbiFun asked Tempest (Zarashi) if UbiFun could have a conversation together with Tempest and Rising. In his response, Tempest said “when you see any ‘exclusive’ content around the servers keep in mind that I did it” and “Im the one that release all updates first than your Ubifun.” These responses further suggest that Tempest is actively working to spread Dekaron’s materials online.

11. A few days later on March 6, 2025, the server operator behind Dekaron Talion posted that it was shutting down its server and selling the server files.

12. A month later, on April 15, 2025, another Defendant, Titan’s Wrath, told UbiFun that he “know[s] someone in Korea who has a private server and is making a lot of money with that private Dekaron server. I was the developer but he stole my files.” He elaborated that this person “has sent [Titan’s Wrath] payments through PayPal. He stole [Titan’s Wrath’s] files and promised to pay [Titan’s Wrath] for being his developer and never paid.” This message further

illustrates that Defendants are working together to create infringing copies of UbiFun's Dekaron game.

13. UbiFun identified numerous websites that are currently actively promoting illegal private servers that infringe Plaintiff's Copyright Registrations. Promotional posts for Dekaron private servers continue to appear frequently, with rankings being updated regularly. UbiFun has also observed new games/servers being added that were not previously visible.

14. Attached as Exhibit 2 is a list of screenshots from websites promoting hundreds of infringing Dekaron games.

15. Promotional or gameplay videos for these private servers are continuously being uploaded to platforms like YouTube, Facebook, Facebook Communities, and Vimeo. Although UbiFun has diligently reported and repeatedly requested takedowns of infringing videos and posts, these posts continue to persistently appear. The ongoing existence of these private servers is having a serious impact on Plaintiff's business, including a loss of trust, declining metrics, and reduced revenue.

16. Attached as Exhibits 3 and 4 are lists of the current list of social network takedown requests in progress.

17. Defendants are acting in concert and engaging in a single active effort to infringe UbiFun's Dekaron work. There is a single unified server with UbiFun's source code, which is not public. Tempest (Zarashi), possibly along with Rising (Nitex), are likely responsible and leading the infringing activity among defendants, and leaking UbiFun's source code to the rest of the Defendants.

18. Unfortunately, the ongoing creation and existence of these private servers is seriously impacting Plaintiff's business operations, including a loss of trust, declining metrics of users playing Plaintiff's game, and reduced revenue.

19. Attached as Exhibit 5 are screenshots of communications from Defendants.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th day of April 2025, in Seoul, South Korea.

DATED: April 17, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Jiwook Shin', written over a horizontal line.

Jiwook Shin